

Article 14

Definitions



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14.1 Defined Words

Words used in a special sense and applicable to this Ordinance are defined in this Article. Supplemental definitions applicable to the Flood Hazard Area provisions of this Ordinance are included with, and apply exclusively to Chapter 4.5. All other words, terms, and/or phrases not specifically defined by this Ordinance shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

14.2 Definitions

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Definitions

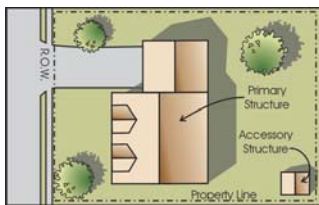
A

Abutting: Having a common border, including being separated from such a common border by a right-of-way, street, alley, easement, body of water, or other feature.

Access Point: A driveway or other means of physical connection for the movement of vehicles or persons between a property and an adjacent property, street or road.

Accessory Structure: A structure that is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary structure; does not alter or change the character of the property; and is located on the same lot as the primary structure. An accessory structure shall be distinguished from a primary structure and an agricultural structure.

Accessory Use: A use which is secondary to a primary use in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary use; does not alter or change the character of the property; and is located on the same lot as the primary use.



Acre: A land area equal to 43,560 square feet.

Acreage, Gross: The total area within a parcel of land.

Addition: Any construction that increases the intensity of development on a property in terms of site coverage, floor area, volume, height, or similar feature.

Address: The number or other designation assigned to a housing unit, business establishment, other structure, or lot for the purposes of mail delivery, emergency services, and general identification.

Adjacent: see *Abutting*

Adjoining: see *Abutting*

Administrative/Professional Office: An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal, and sales activities.

Administrator: The individual or group responsible for the implementation and enforcement of this Ordinance.

Adult: A person age 18 or older.

Adult Day Care Center: A business operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care for disabled and/or aged adults. An adult day care center provides care for less than 24 hours per day, with those cared for arriving from and returning to an off-site place of residence each day.

Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended.

14.2 Definitions (cont.)

Agri-business Facility: The processing, storage, sales, and distribution of agricultural materials and products. An agri-business facility shall be clearly accessory to a farm and shall involve primarily those products that directly relate to the on-site agricultural operations. Examples of agri-business facilities include a winery, cider mill, u-pick farm, wool or textile sales, honey sales, etc. In no instance shall an agri-business facility be interpreted as including camping, ATV or dirt bike facilities, archery or gun clubs, or any other facilities that make commercial use of rural property that is unrelated to the on-site agricultural production.

Agricultural Supply Facility: A commercial facility primarily engaged in the sales of bulk agricultural supplies, such as fertilizer and seed.

Agricultural Products Processing: The processing or treatment of agricultural products as a raw resource for refinement as food and non-edible products.

Agricultural Products Terminal: A commercial facility for the transfer, pickup, storage, or discharge of agricultural goods.

Agriculture: Farming, including dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of the normal agricultural activities.

Agriculture Structure: A structure located on a farm and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the farm. An agriculture structure shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products, or by the public. As agriculture structure shall be distinguished from an accessory structure and a primary structure.

Agricultural Zoning District: Any or all of the following zoning districts: the AV, Agriculture: Voluntary Protection; AP, Agriculture: Preferred; and AG, Agriculture: General Rural zoning districts.

Agri-tourism Facility: An accessory use to a farm that provides entertainment, education, and/or recreation for the public. An agri-tourism facility shall involve only those events and activities that directly relate to the on-site agricultural operations. Examples of agri-tourism facilities include a crop maze, farm tours, a petting zoo of farm animals, hay rides, harvest festivals, ranch vacation facility, etc. In no instance shall an agri-tourism facility be interpreted as including camping, ATV or dirt bike facilities, archery or gun clubs, or any other facilities that make commercial use of rural property that is unrelated to the on-site agricultural production.

Agri-industry Facility: A facility where agricultural products serve as the primary inputs for the production of bio-fuels and other commodities. An agri-industry facility shall be clearly related to on-site farming operations and shall primarily involve the processing of agricultural products and by-products that result from on-site farming operations. Further, the agri-industry shall clearly contribute at least one by-product to on-site agricultural production. In no instance shall an agri-industry facility be interpreted as including any other facilities that make commercial use of rural property that is unrelated to the on-site agricultural production.

Airport (Public): Any public facility used primarily for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Airstrip (Private): A private facility used for the landing and take-off of aircraft, including facilities for housing the aircraft. A private airstrip is often associated with a agricultural or rural residential use.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

Alteration: Any change, addition, or modification in construction or use of an existing structure or property.

Alternative Tower Structure: Man-made structures such as clock towers, light poles, roof tops, steeples, and other similar features into which antennas are integrated in a method that conceals the antennas' presence.

14.2 Definitions (cont.)

Amateur Radio Tower: A freestanding or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for personal, non-commercial two-way airway communication purposes by a person holding a valid amateur radio license from the Federal Communications Commission.

Amend or Amendment: Any repeal, modification, or addition to a regulation; or any new regulation.

Amphitheater / Outdoor Venue: An event venue that is open to the outdoor elements and is designed and constructed for artistic performances, speaking events, and other similar activities. An amphitheater / outdoor venue typically includes a stage, a seating area, and related dressing rooms, storage, lighting, etc.

Animal: Any live creature, domestic or wild, excluding human beings.

Animal Boarding: The use of stables or any other structure and/or land for the lodging, breeding, or care of dogs, cats, fowl, horses, or other animals for commercial or non-profit purposes, excluding animals used on a farm in conjunction with food production.

Animal, Domestic: Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic animals include those that are cared for and treated in a manner generally acceptable for pet dogs, cats, and birds. Domestic animals shall include, but not be limited to, dogs, cats, parakeets, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

Animal, Farm: Animals commonly used for transportation, recreation, food, skins, and other by-products. Farm animals include, but are not limited to horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emus, ostrich, llamas, alpacas, rabbits, mink, fox, bison, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics raised for similar purposes.

Animal Products Processing: The processing or treatment of animals and animal material as a raw resource for refinement as food and non-edible products.

Animal Shelter: A facility used to care for and house lost, stray, homeless, abandoned, or unwanted animals; including those found running at-large or otherwise subject to impoundment consistent with applicable laws. Animal shelter includes facilities for adoption, medical treatment, and cremation.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes external to, or attached to, the exterior of any building.

Apartment: A dwelling unit in a structure, arranged, intended, designed, or occupied on a rental basis for the housing of a single family, an individual, group of individuals, or other single housekeeping unit meeting the definition of a family provided by this Ordinance.

Applicant: The owner, owners, or legal representative of real estate who make application for action affecting the property.

Application: The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this Ordinance.

Appurtenance: A minor element of a larger structure, such as a bay window, stairs, light post, etc.

Arcade: A building or part of a building containing four or more video, pinball, or similar player-operated amusement devices, in any combination, for commercial use. Also, an area contiguous to a street or plaza that may be under-roof but otherwise open to the outdoors that includes pedestrian walkways, seating areas, fountains, status and other similar features.

Archery Range: A facility designed and/or used for target practice with bows and arrows.

14.2 Definitions (cont.)

Arterial Street: see *Street, Arterial*

Arterial Road: see *Road, Arterial*

Assembly Facility: A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions. Also, an industrial facility where components are brought to a common location and combined to form a finished product.

Assisted Living Facility: A facility providing services that assist residents with daily activities, such as dressing, grooming, bathing, etc.

Athletic Complex: An indoor or outdoor facility for the playing of games such as baseball, basketball, football, or soccer. An athletic complex typically includes spectator areas, concessions, equipment storage, and other related facilities.

Auction Facility: A building or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.

Auto Oriented Uses, Large Scale: Uses such as sales and service of automobiles, motorcycles and/or recreational vehicles, and others listed under the heading of Auto-Oriented Uses, Large Scale by the Zoning Districts Use Matrix included in this Ordinance. This does not include any uses, such as auto repair shops or gas stations, listed under the headings of auto-oriented uses medium or small scale.

Auto Oriented Uses, Medium Scale: Uses such as auto repair and body work and others listed under the heading of Auto-Oriented Uses, Medium Scale by the Zoning Districts Use Matrix included in this Ordinance. This does not include any uses listed under the headings of auto-oriented uses large or small scale.

Auto Oriented Uses, Small Scale: Uses such as gas stations, car washes, and others listed under the heading of Auto-Oriented Uses, Small Scale by the Zoning Districts Use Matrix included in this Ordinance. This does not include any uses listed under the headings of auto-oriented uses large or medium scale.

Auto Rental: A commercial business where vehicles, including cars, trucks, and recreational vehicles, are rented to individuals on a short-term basis.

Automobile Parts Sales: The use of any structure and/or property for the display and sale of new or used parts for motor vehicles. This does not include any salvage yard or the storage of inoperable vehicles.

Automobile Repair: The use of a structure or property for the repair of motor vehicles, including trucks, motorcycles, recreational vehicles and boats; including, but not limited to, the sale, installation and servicing of equipment and parts. Automobile repair includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

Automobile Sales and Service: The storage and display for sale of more than 2 motor vehicles where repair work, body work, and parts sales is incidental to the operation of the new or used vehicle sales.

Awning: A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door. Awnings include those that may be retracted or folded against the face of a supporting building.

14.2 Definitions (cont.)

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Definitions

B

Bakery (retail): An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may either be prepared on or off-site.

Bakery (commercial): A place for preparing, cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales.

Balcony: A platform that projects from the wall of a building and is surrounded by a railing or parapet.

Bank: A facility for the custody, loan, or exchange of products, typically money. Also included is the extension of credit and facilitating the transmission of funds.

Banquet Hall: see *Assembly Facility*

Bar: A facility or area used primarily for the serving of alcoholic beverages, and in which the serving of food is only incidental to the consumption of alcohol.

Barber Shop: Any establishment or place of business within which the practice of cutting hair is engaged in or carried on by one or more employees.

Basement: The portion of a building located below the first level, a majority of the height of which is located below the average finished grade of the building perimeter.

Batching Facility: A facility for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus, equipment, and uses incidental to such operations.

Beauty Shop: Any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation.

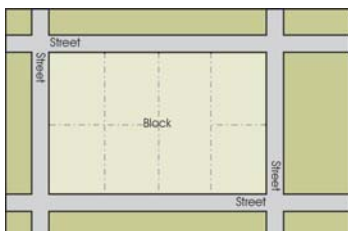
Bed and Breakfast Facility: A private, owner or manager-occupied, residence which provides temporary overnight sleeping accommodations in 10 or fewer guest rooms for periods not to exceed 3 consecutive weeks.

Berm: A man-made mound of earth that has been graded, shaped and improved with groundcover and landscaping in a fashion that can be used for visual or audible screening purposes, or to provide changes in elevation or relief of the landscape.

Billiard Room (Pool Hall): A business establishment containing more than two pool or billiard tables for use by patrons.

Bio-fuel Production: A manufacturing process by which corn, soybeans, or other agricultural products are processed to result in fuel by use in internal combustion engines. Such production may also include related by-products such as animal feed.

Block: Property abutting 1 side of a street and lying between the 2 nearest intersecting streets (either crossing or terminating), railroad right-of-way, lake, river, stream, or other physical boundary.



14.2 Definitions (cont.)

Board of Zoning Appeals: A board established consistent with the Indiana Code 36-7-4-900 series.

Boarding House: A building or part of a building that contains accommodation facilities for lodging for definite periods of time, typically with meals served from a single kitchen. Boarding houses do not include bed and breakfasts, multifamily dwellings, hotels, or motels.

Boat Storage Facility: A structure or area designed for the storage of watercraft and marine equipment.

Bookstore: A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software and/or any other printed or electronically conveyed media.

Bond: see *Surety*

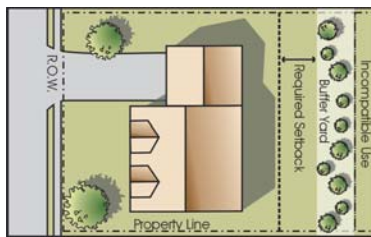
Bottle Gas Storage and Distribution: The storage and distribution of bottle gasses including propane, carbon dioxide, helium, and other commercially used gases.

Bowling Alley: An establishment that devotes a majority of its gross floor area to bowling lanes, equipment, and playing areas. A bowling alley may include other incidental uses, such as other recreation activities, a restaurant, or a bar.

Buffer: A strip of land, a fence, and/or area of landscaping between 1 use and another designed and intended to separate those uses.

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, or related landscaping features required by this Ordinance as part of a buffer.

Buffer Yard: An area adjacent to a property line, measured perpendicularly from that property line intended to screen incompatible uses from each other. Buffers yards are also used to help maintain existing trees or natural vegetation; to block or reduce noise, glare or other emissions; and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.



Builder's Supply Store: A facility where building materials, including electrical and plumbing supplies, paint, hardware, lumber, and similar items are provided to construction professionals on either a retail or wholesale basis. Such facilities are generally not designed for the supply of such items to the general public, however this may occur as a secondary aspect of the business operation.

Build-to Line: A line parallel to the front property line indicating the distance from the front property line at which primary structures must be built. A built-to line is neither a minimum or a maximum, but rather a specific requirement.

Buildable Area: see *Building Envelope*

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as a separate building and/or use.

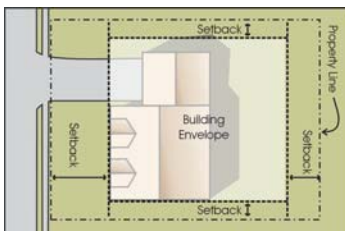
Building Code: The locally adopted Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, all forms of permanent structures, and related matters.

14.2 Definitions (cont.)

Building, Attached: A building that is structurally connected to another building by a foundation, wall, or roof line.

Building, Detached: A building which is surrounded by open space and located on the same lot as another building.

Building Envelope: The three dimensional portion of a lot or site, exclusive of all required setbacks, buffer yards, maximum height standards, landscaping, or open space within which a structure may be built.



Building Height: see *Structure Height*

Building Permit: An official certification issued by the Building Official authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or other structure. See also *Improvement Location Permit*.

Business: A commercial endeavor to engage in the purchase, sale, lease, barter, or exchange of goods, wares, merchandise, and/or the provision of services.

Business District: A geographic area used for commerce and the operation of a business or businesses.

Business/Financial Services Office: Any office where the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

BZA: see *Board of Zoning Appeals*

C

CAFO: see *Concentrated Animal Feeding Operation*.

CFO: see *Confined Feeding Operation*.

Canopy Tree: A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree, and which provides shade to adjacent ground areas.

Campground: Any site, lot, field, or tract of land designed with facilities for short term and/or seasonal occupancy by recreational vehicles and other camping equipment, but not including mobile homes.

Campus: An area of land constituting and making up the grounds of an institution, such as a school, a business complex, a manufacturing park, or a worship facility.

Car Wash: The use of a property for the washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Carport: A permanent structure, which includes a roof and roof-supports but not enclosed by walls, which is used as an accessory to a dwelling unit for the purpose of providing shelter to one or more vehicles.

14.2 Definitions (cont.)

Cemetery: Land used or dedicated to the permanent interment, entombment, inurnment of human and or domestic animal remains, possibly including crematoriums and mausoleums.

Certificate of Occupancy: A certificate issued to certify that a newly constructed or modified structure and/or property is completed in its entirety and is in compliance with all applicable regulations and therefore may be occupied.

Child Day Care Center: A business operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care, protection, and guidance for children during only part of a 24-hour day. This term includes nursery schools, preschools and other similar facilities including educational facilities.

Child Day Care Home: As defined by IC 12-7-2-28.6 and for the purposes of the Zoning Ordinance, an establishment providing non-overnight care, supervision, and protection of children in private residences which is incidental to the primary residential use. The term includes class I child care homes and class II child care homes as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8, as amended.

Circus or Carnival: A temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

Clinic: A facility in which human patients are admitted for medical or dental study or treatment on an out-patient only basis.

Cluster Development: A development in which a number of dwelling units, or other structures, are placed in comparatively closer proximity than usual, or are attached, for the purpose of providing common open space.

Cluster Subdivision: see *Cluster Development*

Co-location: Locating telecommunications facilities from more than one provider on a single site or single structure.

College: see *University*

Collector Street: see *Street, Collector*

Collector Road: see *Road, Collector*

Commission: see *Advisory Plan Commission*

Commercial District: see *Business District*

Commercial Zoning District: The CD, Commercial Downtown Center; CN, Commercial Neighborhood Center; CO, Commercial Professional Office Center; CC, Commercial: Community Center; and CR, Commercial Regional Center zoning districts.

Common Area: Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may include complimentary structures and/or other improvements.

Common Council: The Common Council of the City of Columbus, Indiana.

Common Ownership: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, including ownership by different corporations, firms, partnerships, entities, or unincorporated associations with at least 1 common stockholder, partner, or associate.

Communications Service Exchange: A telecommunications facility that houses one or more computer systems and related equipment dedicated to building, maintaining, and/or processing data. Such a facility would likely include a telephone service exchange, a data center, and a server farm.

14.2 Definitions (cont.)

Community Center: A meeting place where people living in the same community and their guests may carry on cultural, recreational, or social activities. The term community center includes a community-based marina, health center, recreation center, and other similar facilities.

Compatible: Having harmony and consistency in design, function, and/or appearance.

Comprehensive Plan: A document, consistent with the requirements the Indiana Code, that is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development of the community.

Concentrated Animal Feeding Operation: The raising of animals for food, fur, or recreation in lots, pens, ponds, sheds, or buildings where they are confined, fed, and maintained for at least 45 days during any calendar year, and where there is no vegetation present over at least half of the animal's confinement area; consistent with 327 IAC 5-4-3. See also *Farm (CFO/CAFO type I)* and *Farm (CFO/CAFO type II)*.

Concrete/Asphalt Production Facility: A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

Condition of Approval: Stipulations or provisions set forth as a prerequisite for approval of an application.

Conditional Use: see *Use, Conditional*

Condominium: Real estate lawfully subject to the IC 32-25 series, the Horizontal Property Law, by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Conference Center: A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation.

Confined Feeding Operation: The raising of animals for food, fur, or recreation in lots, pens, ponds, sheds, or buildings where they are confined, fed, and maintained for at least 45 days during any calendar year, and where there is no vegetation present over at least half of the animal's confinement area; consistent with 327 IAC 16-2-5. See also *Farm (CFO/CAFO type I)* and *Farm (CFO/CAFO type II)*.

Contiguous: see *Abutting*

Contractor's Office / Workshop: A location at which a construction contractor maintains an office, a workshop, and/or a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor.

County: Bartholomew County, Indiana

Convenience Store: A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. A convenience store may also sell gasoline.

Correctional Facility: A publicly or privately operated facility housing persons awaiting trial and/or persons serving a sentence after being found guilty of a criminal offense. A correctional institution would include a jail, a prison, a work-release center, and any other similar facility. A correctional institution may also include the offices of a sheriff's department and other similar uses.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed. Covenants are enforceable in civil court by interested or affected parties.

14.2 Definitions (cont.)

Craft/Fabric Store: Any business that produces on the premises articles for sale of artistic quality or handmade workmanship, or businesses that primarily sell items and materials used in the creation of crafts and other such handiwork.

Crop Production: The production and management of agricultural crops, including planting, cultivation, and harvesting.

Cul-De-Sac: A street or road with a single common ingress and egress and with a circular turn-around at the end.

Curb Cut: The providing of vehicular ingress and/or egress between property and an abutting public street.

D

Dance/Martial Arts Studio: An establishment where patrons learn and/or practice dance or martial arts.

Data Processing / Call Center: Facilities where electronic data is processed by employees, including data entry storage, conversion, or analysis; subscription and credit card transaction processing; telephone sales and order collection; mail order and catalogue sales; and mailing list processing.

Day: A calendar day.

Day Care Center: see *Child Day Care Center, Adult Day Care Center*

Day Care Home: see *Child Day Care Home*

Deck: A platform, either freestanding or attached to building that is supported by pillars or posts.

Deciduous Tree: see *Tree, Deciduous*

Dedication: The intentional setting apart of land or interests in land for use by the local government.

Defective Landscaping: Dead or dying plant material, damaged berms, walls, fences, and/or other landscaping elements.

Density: The number of dwelling units per acre.

Density, Gross: The numerical value obtained by dividing the total number of dwelling units in a development or area by the total size of the area (in acres), including all non-residential land uses, rights-of-way, streets, and other features included in the area.

Density, Net: The numerical value obtained by dividing the total number of dwelling units in a development or area of the actual tract of land (in acres) upon which the dwelling units are located, or proposed to be located, including common open space but excluding non-residential uses, rights-of-way, and streets.

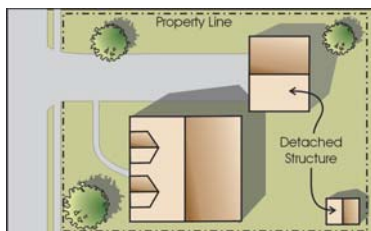
Department Store: A business conducted under a single name that directly exhibits and sells a variety of unrelated merchandise and services to customers (includes discount stores).

14.2 Definitions (cont.)

14

Definitions

Detached Structure: A building that has no structural connection with the another structure.



Detention Area: An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding.

Developer: An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site plan showing the layout of the land and any public improvements. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term “developer” is intended to include the term “subdivider”, even though the personnel involved in successive stages of the project may differ.

Development Standards: Regulations provided by this Ordinance that provide specific conditions for the development and use of buildings and property. Development standards may also be referred to as development requirements.

Development Standards: see *Development Standards*

Distribution Facility: A use where goods are received and/or stored for delivery to the final consumer at off-site locations.

District: An area with common social, physical, economic, or land use characteristics.

Domestic Pets: see *Animal, Domestic*

Drainage: The outflow of water or other fluids from a site through either natural or artificial means.

Drainage System: All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

Drip Line: An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

Drive, Private: see *Street, Private; Road, Private*

Drive-up Facility: A small scale establishment developed so that its retail or service character is dependant on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building or structure.

Drive-up Window: An opening or openings in the wall of a building or structure designed and intended to be used to provide for sales and/or service to patrons, who remain in their vehicles, products that are used or consumed off-site.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Driveway, Common: An access shared by multiple, often adjacent property owners.

Driving Range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives, which may or may not include a snack-bar, a putting area and pro-shop; but does exclude golf courses and miniature golf courses.

14.2 Definitions (cont.)

Dry Cleaners (Commercial): A large scale establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Commercial cleaners serve businesses and groups of retail dry cleaning facilities, generally with the commercial cleaners picking up and delivering the clothing to its clients or retail outlets.

Dry Cleaners (Retail): An establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off, and picking up their clothing.

Dumpster: A receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash and compacted materials, but excluding recycling bins.

Duplex: see *Dwelling, Two-Family*

Dwelling, Accessory: A separate and complete dwelling unit established in conjunction with and clearly subordinate to the dwelling that is the primary use and/or structure on the property. The separateness and completeness of the accessory dwelling shall be determined by such features as an independent kitchen, bathroom, living quarters, and entrance.

Dwelling, Farm: A single-family dwelling that is located on, and used in conjunction with farm operations as the primary residence for a farm owner, operator, manager, or worker.

Dwelling, Manufactured Home: A single family detached dwelling unit that is factory built to the National Manufactured Construction and Safety Standards Act in a transportable section or sections. Manufactured homes are divided into category type I and II, as defined by this Ordinance.

Dwelling, Manufactured Home Type I: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One and Two-Family Dwelling Code, as amended; and its pitched roof and siding are of materials customarily used for site constructed dwellings.

Dwelling, Manufactured Home Type II: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three-hundred twenty (320) square feet of occupied space; is installed and anchored on a permanent foundation with perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended; and its pitched roof and siding are not of materials customarily used for site constructed dwellings.

Dwelling, Mobile Home: A transportable dwelling unit that is a minimum of 8 feet in width and is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either: Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or, Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multi-Family: A structure designed for and occupied by 3 or more families, with the number of families in residence not exceeding the number of dwelling units provided. The term dwelling, multi-family also includes multiple single, two, and multi-family dwelling units located on a single lot, possibly organized as an apartment complex or under condominium ownership.

Dwelling, Single-Family: A structure designed for and occupied by 1 family, and therefore including no more than 1 dwelling unit. Single-family dwellings shall include type I manufactured homes designed, placed, and used on a site consistent with the development standards for the zoning district in which they are located. A dwelling, single-family may include domestic servants quarters which are clearly accessory to the primary living area of the structure. See also *Dwelling, Manufactured Home*.

14.2 Definitions (cont.)

Dwelling, Secondary: A dwelling or dwellings located on the upper floors of structures housing another use as the primary use on the ground floor. Examples would include apartments or condominiums located above commercial businesses.

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.

Dwelling: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient, individual unit by 1 family, and having permanently installed sleeping, cooking, and sanitary facilities.

Dwelling, Two-Family: A structure designed for occupancy by 2 families and therefore including no more than 2 dwelling units. The term dwelling, two-family may also include two single-family dwellings located on a single lot.

E

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to and/or across the property.

Egress: An exit.

Employment Service: An establishment that seeks and identifies available jobs for patrons seeking employment.

Equipment Rental: Establishments primarily engaged in the sale or rental of tools, trucks, construction equipment, agricultural implements, and similar industrial equipment.

Erosion: The detachment, movement, and wearing away of soil and rock fragments by flowing surface or subsurface water or by wind.

Evergreen Tree: see *Tree, Evergreen*

Explosive Manufacturing and Storage: The manufacture and storage of any chemical compound, mixture, or device of which the primary and common purpose is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

F

FAA: The Federal Aviation Administration, or any successor.

FCC: The Federal Communications Commission, or any successor.

Facade: The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.

Fairgrounds: An area of land used for agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

14.2 Definitions (cont.)

Family: One or more persons occupying a dwelling as a single unit and therefore using common facilities for cooking, sanitation, and gathering. A family shall include a residential facility for the developmentally disabled type I and residential facility for the mentally ill as required and defined by the Indiana Code (and repeated in the definitions of this Ordinance). However, a family shall not include any other grouping of more than 5 adults; any one of which is not related to the others by blood, marriage, adoption, guardianship, or other custodial responsibility. Further, a family does not include any society, club, fraternity, sorority; group living in a boarding house, hotel, motel, or bed and breakfast facility; or any group of individuals whose association with each other is seasonal. See also *Shared Housing Facility*. *Note: A definition of family is provided for the sole purpose of creating a baseline for population density, traffic patterns, and other characteristics of single and multi-dwelling unit ("family") zoning districts. In no instance shall this Ordinance be interpreted as defining family for any other purpose.*

Farm Animals: see *Animal, Farm*

Farm (CFO/CAFO type I): Any farm which includes a confined feeding livestock operation or concentrated animal feeding operation which is not subject to regulation by the Indiana Department of Environmental Management through 327 IAC Article 16, Article 15, Article 4 and/or IC 13-18-10 as periodically amended and revised. See also *Confined Feeding Operation* and *Concentrated Animal Feeding Operation*.

Farm (CFO/CAFO type II): Any farm which includes a confined feeding livestock operation or concentrated animal feeding operation which is subject to regulation by the Indiana Department of Environmental Management through 327 IAC Article 16, Article 15, Article 4 and/or IC 13-18-10 as periodically amended and revised. See also *Confined Feeding Operation* and *Concentrated Animal Feeding Operation*.

Farm (general): Any property or area exceeding 5 acres in size that is used for agriculture (such as the production and storage of vegetables, fruit trees, or grain, and/or the raising of farm animals, such as poultry or cattle). A farm may include a single farm dwelling, all other related structures, and the storage and servicing of equipment and materials used on-site for the farm operation. A farm shall also include, as an accessory use, the seasonal sales of products grown on-site. Also as an accessory use, a farm may function as a location where orders are placed for farm-related services (such as crop insurance) and/or bulk farm-related supplies (such as seeds). See also *Dwelling, Farm*.

Farm Equipment Sales & Service: An establishment that services and offers for sale farm implements, such as tractors, combines, etc.

Farmers' Market: A commercial operation and/or facility through which one or more farms offer seasonal products for sale. A farmers' market includes only those sales operations which occur in a pre-designated location and in which the vendors are the same entities which have raised the products for sale. A farmers' market occurs off-site from the location where the products have been raised. A farmers' market may include products in which items raised on the farm are the primary ingredients (such as pies, jams, jellies, etc.)

Fence: Any structure, solid or otherwise, which is a barrier and is used as a boundary or means of protection, confinement, or concealment.

Fertilizer Sales, Distribution, and Storage: An establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.

Final Plat: see *Plat, Final*

Financial Institution: Any establishment wherein the primary use is concerned with such federal or state-regulated business as banking, savings and loans, loan companies, and investment companies.

Fitness Center: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.

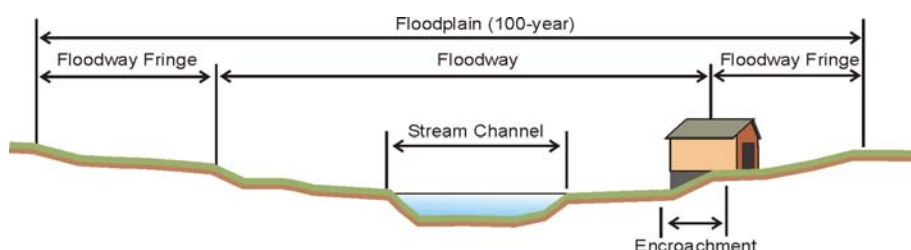
14.2 Definitions (cont.)

Fixed Equipment: Machinery and other equipment associated with a mineral extraction operation that is designed to be fixed in place on site, including but not limited to conveyors, screening and classifying equipment, crushing and processing equipment, etc.

Flea Market: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. Flea market shall not include informal garage or yard sales.

Floodlight: Reflector type light fixture that produces unshielded and undirected illumination.

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by the regulatory flood. The flood plain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration (FEMA). See also *Chapter 4.5, Flood Hazard Overlay Requirements*.



Flower Shop: An indoor facility that primarily sells cut flowers. Flower shops may include incidental sales of small gardening equipment and accessories.

Food and Beverage Production: The large scale processing of raw ingredients and materials to create finished or unfinished foods and beverages.

Foundation: The supporting member of a wall or structure.

Front Lot Line: For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

Front Yard: see *Yard, Front*

Frontage: see *Lot Frontage*

Funeral Home: A facility used for the preparation of the deceased for display and burial and the conducting of rituals and rites associated with burial.

G

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property associated with related dwelling units or related business establishments.

Garage Sale: The sale or offering for sale to the general public items of personal property on any portion of a lot in a residential zoning district, either within or outside of a structure.

Garden Shop: A retail establishment that primarily sells garden implements, plants, landscaping materials, and related accessories.

14.2 Definitions (cont.)

Gas Station: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, without any repair service.

General Industrial Production: Industrial production involving manufacturing, fabrication, and related processes.

Gift Shop: An establishment that primarily sells keepsakes, trinkets, jewelry, cards, stationary, and other small gift related items.

Glare: The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

Golf Course: A tract of land laid out with at least 9 holes improved with tees, greens, fairways, and hazards for playing a game of golf, including any associated clubhouse or shelters and excluding miniature golf courses, and other similar commercial enterprises.

Golf Course, Miniature: A theme-oriented recreational facility composed of a series of putting greens where patrons move in consecutive order from one green to the next.

Government Facility (Non-office): A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide a governmental service to the public. Government facility includes the storage and servicing of vehicles and equipment, the storage of bulk supplies and materials, and specialized training facilities (such as a police shooting range).

Government Office: An office space or facility occupied by a government agency that provides a governmental service to the public.

Grade: The finished surface of the ground adjacent to the exterior walls of a building.

Grade, Existing: The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

Grade, Finished: The final elevation of the ground surface after man-made alterations have been completed.

Granny Flat: see *Dwelling, Accessory*

Greenhouse: A building or structure constructed primarily of translucent materials which is devoted to the protection or cultivation of flowers and other tender plants.

Greenhouse, Commercial: A facility used to extend the growing season for plants for the purpose of on-site retail sales. This shall not include greenhouse structures or facilities used in conjunction with a farm to extend the growing season of agricultural products to be primarily sold in bulk.

Grocery Store: A facility specializing in the retail sales of food, typically specializing in fresh produce and/or meat products. A grocery store is distinguished from a supermarket in that the grocery store does not include accessory flower shops, pharmacies, bakeries, branch banks, etc.

Gymnastics Center: An establishment where patrons learn and practice gymnastics, generally in a gymnasium.

H

Hardship: A difficulty with regard to one's ability to improve land stemming from the application of the requirements of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of, or restriction on, economic gain shall not be considered hardships.

14.2 Definitions (cont.)

Hard Surface: See *Paved Surface*.

Hardware Store: A facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumber yard may be included as an incidental use to the hardware retail sales.

Hazardous Material: Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Material Production: All structures, other appurtenances, and any improvement to the land used for treating, storing, processing, or disposing of hazardous materials.

Health Spa: A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also a place or building that provides massage, exercise, relaxation, and related activities with or without such equipment or apparatus.

Hedge: A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

Height: The vertical distance to the highest point of any roof for structures which have roofs, and the vertical distance to the highest point of all other structures, measured from grade level.

Historic Site: All structures and other features identified as contributing, notable, or outstanding by the *Indiana Historic Sites and Structures Inventory - Bartholomew County Interim Report*, or listed in the *National Register of Historic Places* or the *Indiana Register of Historic Sites & Structures*, as well as any subsequent amendments and/or additions to any of these publications.

Home-Based Business: A business conducted from a dwelling which (1) is operated by a resident of that dwelling, (2) is incidental and secondary to the use of the dwelling for residential purposes, and (3) in no way alters the residential character and appearance of the property.

Home Electronics/Appliance Store: An establishment that primarily sells home appliances, electronics, and related accessories.

Home Improvement Store: A large warehouse-style establishment that offers retail and wholesale site development, building, and hardware supplies, including various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint, glass, housewares and household appliances, and garden supplies. A lumberyard may be included as an incidental use to the building supply retail sales.

Hospital: An institution where sick or injured persons are given medical care and, during the course of that treatment, are housed overnight, fed, and provided nursing and related services. Related services include diagnostic facilities, laboratories, hospices, outpatient facilities, treatment facilities, and training facilities. Hospital does include institutions operating for the treatment of insane persons and persons suffering addictions, but does not include nursing homes, retirement facilities, shelters, or boarding houses.

Hotel: A building in which lodging is provided and offered to the public for compensation, and in which egress and ingress from all rooms is made through an inside lobby or office.

Ice Cream Shop: Any establishment that primarily offers ice cream and frozen desserts to be eaten on or off premises.

14.2 Definitions (cont.)

Impervious Surface: Any hard-surfaced, man-made area that prevents absorption of stormwater into the ground.

Improvement: Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property.

Improvement Location Permit: A permit allowing a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any structure; alter the condition of the land; change the use or occupancy of a property; or otherwise cause any change to occur that is subject to the requirements of this Ordinance. As specified by this Ordinance, building permits, sign permits and zoning compliance certificates are improvement location permits.

Incidental: A minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

Incidental Sales: *See Sales, Incidental.*

Incinerator: A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains).

Indecisive Vote: A vote which fails to receive a majority, either in favor or opposed.

Industrial District: The use of a property or area for the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, including related storage facilities and warehouses.

Industrial Zoning Districts: The I1, Light Industrial; I2, General Industrial; and/or I3, Heavy Industrial zoning districts.

Infrastructure: Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

Inoperable Vehicle Storage: The outdoor storage of motor driven vehicles and their parts, that can not be physically and/or legally operated in their current state.

Instructional Center: A business facility where patrons receive education and/or instruction on a topic or topics in either group or individual settings. An instructional center includes facilities for tutoring of students of all ages, martial arts instruction, gymnastics, and other similar facilities. An instructional center excludes K-12 schools, business and trade schools, colleges, and other similar educational institutions.

Institutional Facility for the Developmentally Disabled: An institutional facility that provides care, supervision, and protection for persons with developmental disabilities consistent with the provisions of Indiana Code. See also *Residential Facility for the Developmentally Disabled*

Institutional Facility for the Mentally Ill: An institutional facility that provides care, supervision, and protection for mentally ill persons consistent with the provisions of Indiana Code. See also *Residential Facility for the Mentally Ill*

Investment Firm: Any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase.

J

Jewelry Store: Store that primarily sells new jewelry, with some sales of used merchandise.

Junk: Scrap or waste material of any kind.

14.2 Definitions (cont.)

Junk Yard: A place where junk, including inoperable vehicles, appliances, wood, paper, rags, garbage, tires, shattered glass, and any other worn-out, cast-off, or discarded items have been collected for re-sale, disposal, or storage.

Jurisdiction: Any area over which a unit of government exercises power and authority.

K

Kennel: Any property where 5 or more dogs, cats, or other similar animals over the age of 4 months are kept, raised, cared for, trained, sold, bred, boarded, treated, or groomed either for commercial or non-commercial purposes.

L

Land Use: The occupation or use of land for any human activity or purpose.

Landscaping: The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects.

Legal Drain: see *Regulated Drain*

Legal Nonconforming Lot: Any lot which has been legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the lot-specific development standards.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance, or its subsequent amendments, that is no longer a permitted use in the zoning district in which it is located.

Library: A public facility primarily for the use of literary, musical, artistic, or reference materials.

Light Industrial Processing & Distribution: Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

Liquor Store: A store that offers retail and/or wholesale liquor, including wine and beer.

Livestock Auction/Sales Facility: A commercial establishment where livestock is collected and auctioned and/or sold. Livestock at the facility are there on a temporary basis, for immediate sale only, and not housed long term.

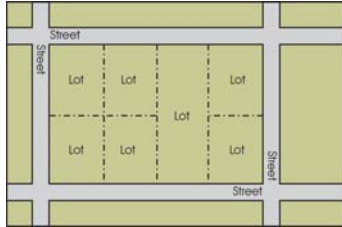
Loading Berth: A space within a building or on the premises providing for the loading and unloading of merchandise and materials.

Local Street: see *Street, Local*

Local Road: see *Road, Local*

14.2 Definitions (cont.)

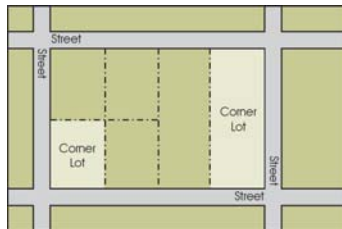
Lot: A contiguous area of land separated from other areas of land by a subdivision plat for the purpose of sale, lease, transfer of ownership, or separate use.



Lot, Legal: A lot that has been subdivided or otherwise established in a manner that meets all requirements of the Subdivision Control Ordinance of jurisdiction in affect at the time the lot was established.

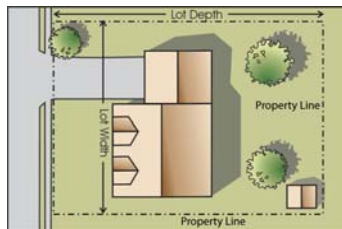
Lot Area: The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.

Lot, Corner: A lot located at the corner of two or more streets.



Lot Coverage: The portion of any lot occupied by permanent structures. Lot coverage does not include parking areas, driveways, walkways, temporary structures, or any other paved or impervious surfaces.

Lot Depth: The horizontal distance between the right-of-way line and rear lot line.



Lot, Developed: A lot upon which improvements have been made or is otherwise being used for human purposes.

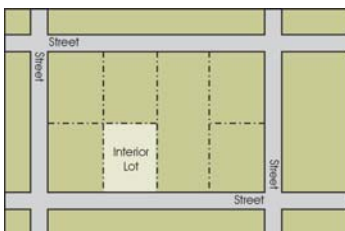
Lot, Double Frontage: see *Lot, Through* and *Lot, Corner*

Lot Frontage: The horizontal distance between side lot lines where a property abuts a street.

Lot, Improved: see *Lot, Developed*

14.2 Definitions (cont.)

Lot, Interior: Any lot which is not a corner lot or through lot.



Lot Line: The property lines that define a lot.

Lot, Legal Nonconforming: see *Legal Nonconforming Lot*

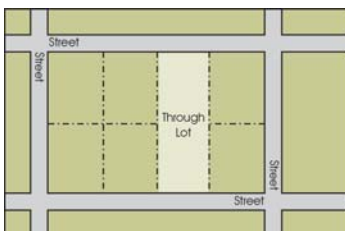
Lot Owners Association: An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

Lot of Record: A distinct area of real estate that has been recorded in the office of the Bartholomew County Recorder as a part of a subdivision plat or a parcel described by metes and bounds.

Lot of Record, Legal: A distinct area of real estate that has been (1) recorded in the office of the Bartholomew County Recorder as a part of a subdivision plat or a parcel described by metes and bounds and (2) created in complete compliance with the subdivision control ordinance in effect at the time of its recording.

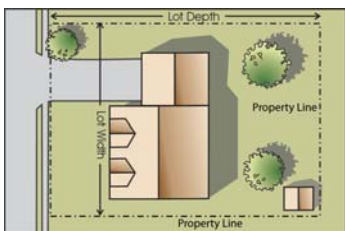
Lot, Recorded: see *Lot of Record*

Lot, Through: A lot having frontage on 2 or more streets, but not at the immediate intersection of those streets.



Lot, Undeveloped: A lot upon which no improvements exist.

Lot Width: The horizontal distance between side lot lines measured at the required minimum front setback line or build-to line affecting the property.



Lumber Yard: An area used primarily for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

14.2 Definitions (cont.)

Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Luminaire, Cut-off Type: A luminaire with elements such as shields, reflectors, or refractor angles that direct and cut-off light.

M

Manufactured Home: see *Dwelling, Manufactured Home*

Manufactured Home Type I: see *Dwelling, Manufactured Home Type I*

Manufactured Home Type II: see *Dwelling, Manufactured Home Type II*

Manufacturing Facility: A facility for the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, or resins.

Marker (survey): A stake or any other object which is intended to mark a point on a lot or within a subdivision.

Meat Market (Butcher): A market that primarily offers retail and/or wholesale meats, but may also sell related incidental products.

Medical Office: A building, other than a hospital, used by one or more licensed physicians for the purpose of receiving and treating patients.

Metes and Bounds: A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points and encompassing a mathematically enclosable figure on the surface of the earth.

Microbrewery (Brew-Pub): A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a restaurant, bar or live entertainment.

Mineral & Aggregate: Includes soil, select fill, coal, clay, stone, sand, gravel, aggregate, pumice, cinders, metallic ore, and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial, or construction use.

Mineral Extraction: Any operation where soil, topsoil, water, loam, sand, gravel, clay, rock, peat, or other mined material is removed from its natural location or where it is handled for use off-site, including incidental uses and activities such as processing facilities, access roads, structures, offices, parking areas, and stockpiles.

Mineral Extraction Operation: The site or lot where mineral extraction is occurring or is proposed to occur.

Mineral Extraction Operator: Any person, firm, or corporation engaged in and controlling a mineral extraction operation or land use.

Mineral Extraction Processing: Any washing, crushing, milling, screening, handling or similar processing of on-site extracted minerals.

Mini-Warehouse Self-Storage Facility: A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of goods.

Mixed-Use Development: An area, parcel of land, or structure developed for 2 or more different land uses.

14.2 Definitions (cont.)

Mobile Home: see *Dwelling, Mobile Home*

Mobile / Manufactured Home Park: A parcel of land containing 2 or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings or storage areas in which unoccupied units are parked for inspection or sale.

Mobile / Manufactured Home Sales: The sale and incidental storage of single-family detached housing that includes mobile homes and manufactured homes type I and II.

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture. See also *Hotel*.

Motor Home: see *Recreational Vehicle*

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

Motor Vehicle, Inoperable: See *Vehicle, Inoperable*.

Multi-Family Dwelling: see *Dwelling, Multi-Family*

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and designed to be used by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

Music Store: An establishment that primarily deals with new and used audio recordings in an array of media formats. Some shops also include the sales of new and used video recordings, sheet music, and instruments as well.

N

Natural Condition: The condition that arises from, or is found in nature unmodified by human intervention.

Natural Drainage: Drainage channels, routes, and ways formed over time in the surface topography of the earth prior to any modifications or improvements made by unnatural causes and/or human intervention.

Nature Preserve/Conservation Area: An area in which plants, animals, and topographic features are protected in their current, natural condition.

Night Club: A commercial establishment operated as a place of entertainment featuring live, recorded, or televised musical, comedy, or magic performances; dancing; and/or the serving of alcoholic beverages.

Nonconforming Lot: A lot that does not conform to the regulations of the zoning district in which it is located.

Nonconforming Structure: A building or other structure that does not conform to the regulations of the zoning district in which it is located.

14.2 Definitions (cont.)

Nonconforming Use: A use of land that does not conform to the regulations of the zoning district in which it is located.

Nuisance: An interference with the enjoyment and use of property as defined by the nuisance provisions of a municipal or county code of ordinances.

Nursing Home: A private home for the 24-hour per day care of the aged, infirm, or any other person in need of nursing care which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics. Nursing home does include physical therapy equipment used in an on-going basis for the rehabilitation of patients.

O

Objectionable Odor: Odors that are nauseating, noxious, or generally recognized as unpleasant.

Occupancy: The use of any land or structure.

Office Supply Store: A large establishment that offers retail and wholesale office supplies including items such as paper, writing utensils, computer equipment, and office furniture.

Office Use: Administrative, executive, professional, research, or similar organizations, as well as laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises.

Official Zoning Map: The map or maps that legally denote the boundaries of zoning districts as they apply to the properties within a Plan Commission's jurisdiction.

Oil Change Shop: A facility that provides lubrication, checking, changing, and the addition of those fluids and filters needed for automobile maintenance. Generally such services are provided while the customer waits.

Open Space: An area of land not covered by structures or accessory uses except for those related to recreation. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yards, patio areas, or land scheduled for future development.

Ornamental Tree: *See Tree, Ornamental*

Outdoor Storage: The keeping of the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building.

Overburden: Earth and other natural materials over and around the minerals which will be displaced by mineral extraction operations.

Overlay Zoning District: A zoning district that extends across one or more other zoning districts which is intended to provide additional or alternate regulations for a specific feature or circumstance.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative.

Owners Association: *see Lot Owners Association*

14.2 Definitions (cont.)

P

Packaging Facility: A facility that packages supplies and products that are manufactured off site.

Parapet: The portion of a wall which extends above the intersection of the wall and the roof.

Parcel: A contiguous area of land separated from other areas of land by a separate description (including a subdivision plat and metes and bounds legal description). The term parcel includes lots, lots of record, tracts, and other similar terms.

Parent Tract: Any legal lot of record from which additional lots or tracts are created.

Park: Any public or private land and related structures, including athletic facilities, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use to the community.

Parking Lot: An open off-street area to be used for the storage of motor vehicles for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas.

Parking, Off-Site: A storage space for an automobile that is not located on the same lot as the primary destination of the automobile's driver and/or facility which the spaces are intended to serve.

Parking, Off-Street: A storage space for an automobile located outside of a street right-of-way.

Parking, On-Street: A storage space for an automobile that is located within the right-of-way of a street.

Parking, Shared: A parking space or lot used jointly by 2 or more uses or structures.

Parking Space: A space within a public or private parking area for the storage of 1 motor vehicle.

Pathway: A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is separated from streets or roads by distance or striping.

Paved Surface: A durable surface for parking, driving, or similar activities that utilizes asphalt, Portland cement, concrete, brick, paving blocks or similar material. Crushed gravel, street grindings, stone, rock, dirt, sand or grass are not a paved surface.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Person: A person, corporation, firm, partnership, association, trust, organization, unit of government, or any other entity that acts as a unit, including all members of any group.

Personal Services: An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair shop, or tanning salon.

Pet Store: A retail sales facility primarily involved in the sale of domestic animals, such as cats, dogs, fish, birds, and reptiles as well as domestic pet accessories. A pet shop does not include the retail sale of exotic or farm animals.

Petroleum Processing and Storage: An establishment that processes and stores petroleum and its raw ingredients.

Pharmacy: A place where drugs and medicines are prepared and dispensed. Pharmacy also includes the incidental retail sale of medical accessories and convenience goods and services.

Photographic Studio: A facility engaged in on-site photography, processing, and development, including limited retail sale, lease and service of photography equipment and supplies.

14.2 Definitions (cont.)

Petitioner: see *Applicant*

Plan: see *Comprehensive Plan*

Plan Commission: see *Advisory Plan Commission*

Planned Unit Development: A large-scale unified development meeting the requirements of this Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single person, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district or districts established by this Ordinance.

Planning Jurisdiction: The area over which a municipality has planning authority as drawn by each community in compliance with IC 36-7-4 et al.

Planting Season: The spring and fall time periods during which new plant material which is installed is most likely to survive the planting process. Generally these periods are from April 15 to June 15 in the spring and from October 15 to November 15 in the fall.

Plat: A map or chart that shows a division of land.

Plat, Final: The Final Plat, pursuant to I.C. 36-7-4-700 series, is the plat document in recordable form.

Plat, Preliminary: The preliminary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision is based.

Playground: A recreational area for use primarily by children.

Police, Fire, or Rescue Station: A facility that serves as an office of operation for police, fire, and/or rescue services. Such stations include the housing of personnel and equipment, the storage of vehicles, and office functions. A police station may include a limited number of temporary holding cells which are secondary to the use of the station as an office. See also *Correctional Institution*.

Porch: A covered, but otherwise unenclosed structure projecting out from the wall or walls of a main structure.

Post Office: A facility operated by the United States Postal Service that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Power Generation Facility: A commercial facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources.

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his/her site in a practical manner.

Preliminary Plat: see *Plat, Preliminary*

Primary Structure: The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling. A primary structure is distinguished from accessory and agricultural structures.

Primary Use: see *Use, Primary*

Print Shop (Copy Center): A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

14.2 Definitions (cont.)

Printing / Publishing Facility: Any facility that prints publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

Private Club: A facility or property owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose and for which membership is required for participation.

Private Street: *see Street, Private*

Private Road: *see Road, Private*

Prohibited Tree: *see Tree, Prohibited.*

Property Owner: The person(s) identified as the property owner on the most recent list prepared and maintained by the Bartholomew County Auditor's Office. See also *Owner*.

Public Art: Any visual work of art that is accessible to public view and located on public or private property.

Public Hearing: A formal meeting, announced and advertised in advance consistent with the requirements of this Ordinance, which is open to the public, and at which members of the public have an opportunity to participate.

Public Improvement: Any improvement, facility, or service which provides transportation, drainage, public utilities, or similar essential services which are typically or specifically required to be provided by a unit of government.

Public Sewer Utility: A municipality, corporation, company, partnership, or other entity that (1) provides sewage disposal service to the public within a specified territory and (2) is a legally organized and operating utility meeting all applicable state and local requirements. The term public sewer utility does not include any sewage disposal service or facility that is operated, owned, managed, or intended for use by a private association of property owners for the primary purpose of providing service to their properties.

Public Street: *see Street, Public*

Public Road: *see Road, Public*

Public Water Utility: A municipality, corporation, company, partnership, or other entity that (1) supplies water to the public within a specified territory and (2) is a legally organized and operating utility meeting all applicable state and local requirements. The term public water utility does not include any water supply service or facility that is operated, owned, managed, or intended for use by a private association of property owners for the primary purpose of providing service to their properties.

Publishing Facility: Any facility that prints and/or assembles publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

Q

Quarry: A lot or any part of a lot used for mineral extraction.

14.2 Definitions (cont.)

R

Racetrack: Any measured venue for the sport of racing where animals or machines are entered in competition against one another or against time. A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to, oval track racing, drag racing, motorcross, tractor pulling, go-cart racing, remote control airplane flying, and similar uses.

Radio Station: An establishment that broadcasts radio signal programming.

Rear Yard: see *Yard, Rear*

Record: The written documentation of the actions and expressions of a public body, such as the Plan Commission or Board of Zoning Appeals.

Recreational Use, Large Scale: Recreational uses that tend to serve a regional area and include establishments such as riding stables, seasonal hunting and fishing facilities, and outdoor shooting ranges.

Recreational Use, Medium Scale: Recreational uses that tend to serve a community-wide area and include establishments such as bowling alleys, theaters, assembly halls, miniature golf courses, indoor shooting ranges, swimming pools, and skating rinks.

Recreational Use, Small Scale: Recreational uses that tend to serve a local area and include establishments such as billiard rooms, arcades, nightclubs, brewpubs, and bars.

Recreational Vehicle: Any building, structure, or vehicle designed and/or used for seasonal living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place (either under its own power or towed by another vehicle). Recreational vehicles include automobiles when used for living or sleeping purposes, pick-up truck coaches, motorized homes, boats, travel trailers, snow mobiles, and camping trailers not meeting the definition of a manufactured or mobile home.

Recreational Vehicle (RV) Park: Any site, lot, field, or tract designed with facilities for the temporary use of recreational vehicles.

Recreational Vehicle Sales: The sale and incidental storage of recreational vehicles.

Refuse Dump: A facility designated to receive and hold municipal solid waste and other waste matters. Waste at a refuse dump is not compacted or covered as it is in a sanitary landfill.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulated Drain: A drainage facility, route, or area regulated under the jurisdiction of the Bartholomew County Drainage Board consistent with the provisions of IC 33-9-27.

Replat: Any change in a final plat of an approved or recorded subdivision.

Research & Development Facility: A structure or group of structures used primarily for applied and developmental research where product testing is an integral part of the operation and goods or products used in the testing may be manufactured and stored.

Residence: see *Dwelling*

Residential District: An area used primarily for dwellings.

14.2 Definitions (cont.)

Residential Zoning Districts, Single-Family: Refers to the RR, Residential: Rural; RS1, Residential: Single-family 1; RS2, Residential: Single-family 2; RS3, Residential: Single-family 3; RS4, Residential: Single-family 4; RE, Residential: Established; and/or RT, Residential: Two-family zoning districts.

Residential Zoning Districts, Multi-Family: Refers to the RM, Residential: Multi-family and/or RMH, Residential: Manufactured Home Park zoning districts.

Residential Facility for the Developmentally Disabled Type I: A residential facility which provides residential services for not more than 8 developmentally disabled individuals, as defined by IC 12-28-4-8. The term includes those recovering from substance abuse (per the 1988 Fair Housing Act Amendment).

Residential Facility for the Developmentally Disabled Type II: A residential facility which provides residential services for more than 8 developmentally disabled individuals, as defined by IC 12-28-4-8. The term includes those recovering from substance abuse (per the 1988 Fair Housing Act Amendment).

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals, as defined by IC 12-28-4-7.

Restaurant: A structure in which the principal use is the preparation and sale of food and beverages.

Retail Uses: Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the business.

Retail Uses, Large Scale: Retail uses that tend to serve a regional area and include establishments such as supermarkets, shopping malls, and department stores.

Retail Uses, Medium Scale: Retail uses that tend to serve a community-wide area and include establishments such as craft stores, sporting goods stores, pharmacies, antique shops, meat markets, and repair services.

Retail Uses, Small Scale: Retail uses that tend to serve a local area and include establishments such as video stores, delicatessens, bakeries, gift shops, and ice cream shops.

Retirement Facility: A residential complex containing multi-family dwellings designed for and occupied by senior citizens. Such facilities may include a common gathering and dining facilities, but exclude nursing care.

Retreat Center: A facility used for professional, educational, or religious meetings, conferences, or seminars which provides meals, housing, and recreation for participants during the period of the retreat or program.

Rezoning: An amendment to the Official Zoning Map which has the effect of removing property from one zoning district and placing it in a different zoning district.

Riding Stable: An establishment that shelters and offers upkeep to horses for use by patrons and private owners. Stables generally include grazing pastures and land designated for horseback riding. See also *Animal Boarding*.

Right-of-Way: Property occupied or intended to be occupied by a street, trail, utility transmission line, or other public utility or facility.

Right-of-Way Line: The limit of publicly owned land encompassing a public facility, such as a street or an alley.

Road: A public thoroughfare located within unincorporated Bartholomew County or other similar rural area that affords vehicular access to abutting property.

Road, Arterial: A road that is identified as an Arterial on the Thoroughfare Plan.

Road, Collector: A road that is identified as a Collector on the Thoroughfare Plan.

Road Frontage: The distance along which a property line of a lot abuts the right-of-way of an adjacent road.

Road, Intersecting: Any road that joins another road at an angle, whether or not it crosses the other road.

14.2 Definitions (cont.)

Road Intersection: The point of crossing or meeting of 2 or more roads.

Road, Local: A road that is identified as a Local on the Thoroughfare Plan.

Road, Non-Residential: Any road where the primary land use of the lots which the road provides access to is not residential.

Road, Private: Any road which is privately owned and maintained that is used to provide vehicular access to more than 1 property.

Road, Public: A road constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.

Road, Residential: Any road where the primary land use of the lots which the road provides access to is residential.

ROW: See *Right-of Way*

S

Sales, Incidental: Sales that are related and subordinate to the primary service or retail activities of a commercial use.

Sales, Temporary Seasonal: Facilities that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products.

Sanitary Landfill: The designated area where nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste is buried.

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools. See also *Trade or Business School*.

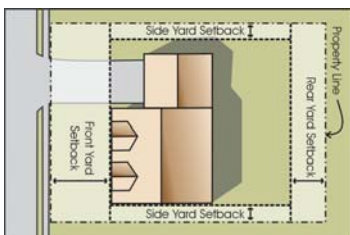
Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.

Seasonal Hunting/Fishing Facility: A designated outdoor area that allows for the hunting and fishing of certain species during their appropriate gaming seasons.

Self Service Laundry: A business with vending machine type washing, drying, dry-cleaning, and ironing equipment for use by customers on site.

14.2 Definitions (cont.)

Setback: The horizontal distance between a structure and a lot line or right-of-way line.



Sewage Treatment Plant: Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

Shared Housing Facility: A dwelling unit occupied as a single housekeeping unit, and therefore using common facilities for cooking, sanitation, and gathering, by more than 5 adults, any one of which is not related to the others by blood or marriage. A shared housing facility includes a boarding house, rooming house, co-housing facility, housing co-operative, and other similar facilities. A shared housing facility shall also include a residential facility for the developmentally disabled type II defined by the Indiana Code (and repeated in the definitions of this Ordinance). A shared housing facility does not include any society, club, fraternity, sorority; or group living in a hotel, motel, or bed and breakfast facility. See also *Dwelling*, *Single-Family* and *Family*.

Shoe Repair Shop: An establishment that primarily repairs shoes, with incidental sales of shoe related items.

Shooting Range: Any establishment at which firearms are discharged for the purpose of recreation and entertainment.

Shooting Range (Indoor): A shooting range at which all shooting areas and targets are completely enclosed in a structure.

Shooting Range (Outdoor): A shooting range at which any portion of the shooting areas or targets are located outside of a completely enclosed structure.

Shopping Center: A shopping facility occupying a single lot that includes one or more structures containing numerous individual stores; all of which use common parking and vehicle circulation areas.

Shopping Mall: A shopping facility occupying a single lot where numerous individual stores front on a pedestrian way that may be enclosed or open to the outdoors.

Side Lot Line: A lot boundary line other than a front or rear lot line, typically those which are perpendicular to, and intersect with the front and rear lot lines.

Side Yard: see *Yard*, *Side*

Sign: Any name, identification, description, device, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign includes the face area which conveys a message, any equipment or sign device, and any related mechanical, electrical, and structural supports and features, such as poles and lighting.

Sign, Abandoned: A sign that identifies or advertises a business, product, service, owner, or other activity that is no longer located on or conducted on the property where the sign is displayed.

Sign, Animated: A sign with action, motion, or changing colors or lights, any of which imitates movement.

Sign, Area: The entire face of a sign including the message surface and any framing or trim, but excluding any poles or other supports. Sign area is measured as the maximum vertical dimension of the face area multiplied by the maximum horizontal dimension of the face area, each at its largest point.

14.2 Definitions (cont.)

Sign, Awning: A sign incorporated into, or attached to an awning.

Sign, Changeable Copy: A sign designed and used to display temporary letters, numbers, symbols, and other items which may be changed by hand, electronically, or by other means. The height, face area, and other structural and lighting characteristics of changeable copy signs remain constant, providing a background for temporary messages.

Sign, Commercial Message: A sign used to convey information or advertising regarding a place of business, product, service, or other similar commerce-related activity or facility.

Sign, Banner: A sign with a message applied to cloth, paper, fabric, or flexible plastic, with any such non-rigid material for background.

Sign, Beacon: A portable light that is beamed into the sky and used to draw attention to a specific location, typically the property on which the beacon sign is located.

Sign, Billboard: see *Sign, Off-Premise*

Sign, Development Entry: A permanent on-premise sign identifying an entrance to a residential subdivision, apartment complex, office park, manufactured home park, or other similar development.

Sign, Directional: Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as "enter", "exit", and "one-way".

Sign, Directory: A sign listing the occupants of a building or commercial center.

Sign, Double-Faced: A sign designed and/or used to display a message on the outer surface of 2 identical and opposite parallel planes.

Sign, Face: The area or display surface used for the message.

Sign, Freestanding: A sign supported completely by a frame, pole, or foundation and which is independent from all other structures on the property.

Sign, Height: The highest point measured from grade level at the base of the sign to the highest point of the sign, including any structure, frame, light fixture, or other element of the sign.

Sign, Inflatable: An inflated object tethered or otherwise attached to the ground, a structure, or other object that is erected for the purpose of advertising or drawing attention to a particular use or site. This includes representations of blimps, products, cartoon characters, animals, etc.

Sign, Incidental: A sign, generally not visible from adjacent streets, that provides information incidental to the business. This includes listing the hours of operation, logos of credit cards excepted, etc.

Sign, Illuminated: A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed toward the sign.

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure.

Sign, Non-Commercial Message: A sign used to convey an opinion regarding a public issue or event, or to otherwise provide a means of personal expression.

Sign, Off-Premise: A sign which directs attention to a business, commodity, service, organization, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. This includes billboard and other outdoor advertising and directional signs located on private property.

Sign, Pennant: A small, often triangular, tapering flag attached together in series and often strung between structures and from structures to the ground.

14.2 Definitions (cont.)

Sign, Political: A temporary sign used in connection with city, school, county, state, or federal election.

Sign, Portable: A sign that is not permanently affixed to a building, structure, or the ground. Portable signs include those supported on wooden or metal posts, on a mobile chassis, or on a motor vehicle.

Sign, Poster: Any sign made of cardboard, metal, plastic or other semi-rigid material which is attached to outdoor products, structures, or other features, or anchored into the ground with the use of stakes.

Sign, Primary: Permanent signs that are the principal means of identification of a business, building, or similar entity; designed to be read from off of the site.

Sign, Projecting: A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

Sign, Real Estate: A temporary sign that relates to the sale, lease or rental of property or structures.

Sign, Roof: A sign mounted upon and designed to be visible above the roof of a building.

Sign, Secondary: Permanent signs intended to convey information beyond the principal means of identification.

Sign Setback: The distance between any property line or right-of-way and the nearest portion of any sign at or above grade level.

Sign, Suspended: A sign that is suspended by chains or hooks and is generally placed under eaves or over walkways.

Sign, Temporary: An on-premise sign not fixed to a permanent foundation and displayed for a fixed period of time, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Sign, Vehicle: A sign that is attached to or painted on a parked vehicle for the purpose of drawing attention to the product, business, or property which is indicated on the sign.

Sign, Wall: A sign attached to or painted on the exterior wall of a structure.

Sign, Window: A sign affixed to a window or placed immediately behind a window pane so as to attract the attention of persons outside of the structure.

Sign Permit: An improvement location permit that must be obtained before temporary and permanent signs are erected.

Sign, Vertical Roof: A sign attached to a vertical or sloping roof surface.

Site Rehabilitation: The restoration of the area of a mineral extraction operation to conditions comparable with or similar to that which existed prior to the operation, or the preparation of the area for future development.

Site Rehabilitation Plan: A plan that depicts how a mineral extraction project area will be rehabilitated after excavation is complete, including but not limited to final grading, re-vegetation, and conceptual future development.

Skating Rink: An establishment that provides facilities for patron skating.

Sporting Goods Shop: An establishment that primarily sells sporting equipment, sporting apparel, and related items.

Spotlight: A fixture designed to direct a narrow intense beam of light on a desired area.

State: The State of Indiana.

Stationary Shop: An establishment that primarily sells stationary, paper, cards, writing utensils, and various related items.

14.2 Definitions (cont.)

Stealth Tower: Any telecommunications tower designed to resemble trees, silos, etc., or otherwise blend into its context.

Stockade Fence: A wooden fence made of half round posts with pointed tops.

Stockpile: An area where either man-made or natural materials are being piled up temporarily, either undercover or exposed to the elements, for future processing.

Stop-Work Order: A written document issued by an enforcement official which requires the cessation of an activity.

Storage, Outdoor: see *Outdoor Storage*

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

Stream Bank: The usual boundaries, not the flood boundaries, of a stream channel.

Stream-side Forest: A wooded or otherwise heavily vegetated area located along the banks of a creek, river, or other stream that serves to filter storm-water runoff, accommodate floodwaters, provide animal habitat and migration routes, and minimize the erosion of adjacent soils.

Street: A public thoroughfare located within the City of Columbus or other similar urban / suburban area, including a drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property. The term street includes those thoroughfares located within subdivisions located in rural areas.

Street, Arterial: A street identified as an Arterial on the Thoroughfare Plan within the Comprehensive Plan.

Street, Collector: A street identified as a Collector on the Thoroughfare Plan within the Comprehensive Plan.

Street Frontage: The distance along which a property line of a lot abuts the right-of-way of an adjacent street.

Street, Intersecting: Any street that joins another street at an angle, whether or not it crosses the other street.

Street Intersection: The point of crossing or meeting of 2 or more streets.

Street, Local: A street identified as a Local on the Thoroughfare Plan within the Comprehensive Plan.

Street, Non-Residential: Any street where the primary land use of the lots which the street provides access to is not residential.

Street, Private: Any street which is privately owned and maintained that is used to provide vehicular access to more than 1 property.

Street, Public: A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.

Street, Residential: Any street where the primary land use of the lots which the street provides access to is residential.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground.

Structure Height: The vertical distance measured from the lowest point of ground level to the highest point of the roof. Structure height excludes any walkout basement and other similar element, the majority of which is located underground.

14.2 Definitions (cont.)

Subdivider: Any person or other entity which initiates proceedings to create a subdivision. See also *Developer*.

Subdivision: The division of any lot, tract or parcel of land into 2 or more lots, tracts, or other similar divisions for the purpose, whether immediate or future, of sale, transfer, gift, or lease.

Supermarket: Large-scale retailers of food and grocery supplies, typically also including flower shops, pharmacies, bakeries, branch banks, and other complementary and incidental uses.

Surety: An amount of money or other negotiable financial instrument provided by a developer to the local government which guarantees that they will perform all actions required by the local government regarding an approved plat or other improvement, which provides that if the developer fails to comply with the requirements of approval, funds will be provided for the local government to complete those requirements.

Swimming Pool: Any structure located either (1) below grade or (2) permanently installed above grade through the use of bracing or other structural elements for the purpose of recreation and entertainment of adults and children.

T

Tailor Shop: An establishment that alters and repairs clothing for patrons.

Tanning Salon: Any business which provides a service that produces a tan on a person's body, including the incidental sale of tanning products.

Tavern: see *Bar*

Telecommunications: The transmission of information between or among geographic points without change in the form or content of the information as sent or received.

Telecommunications Antenna: Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

Telecommunications Tower: A mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as a telecommunications antenna or to which an antenna is affixed or attached.

Temporary Seasonal Sales: see *Sales, Temporary Seasonal*.

Temporary Use: see *Use, Temporary*

Theater: A facility for audio and visual productions and performing arts.

Thoroughfare Plan: The official plan, now and hereafter adopted, which sets forth the location, alignment, dimensions, and classification of existing and proposed streets, roads, and other thoroughfares.

Tool and Dye Shop: An establishment that processes, cuts, and molds metal into tools, molds, machine components, and similar products.

Topography: The configuration of the earth's surface, including the relative relief, elevations, and position of land features.

Tower: A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground.

14.2 Definitions (cont.)

Townhouse: A one-family dwelling with a private entrance that is attached horizontally to other dwelling units in a linear arrangement, with a front and a rear wall that are totally exposed for light, access, and ventilation.

Tract: A piece of property, with a specified description established through a meters and bounds or other, similar method. If platted, the term tract refers to a specific property that is not intended as the site of a structure, such as an agricultural tract or subdivision common area.

Trade or Business School: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. Includes vocational schools and career centers.

Trail: A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment.

Transportation Terminal: A centralized and/or primary community facility for the transient housing or parking of vehicles related to mass transportation, as well as the loading and unloading of passengers and the transfer of passengers from one form of transportation to another. Such facility may include a bus transfer station, a park and ride location, and/or a train station. The storage of bicycles, personal automobiles, and other similar personal conveyances may also be present.

Tree, Deciduous: A tree that sheds its leaves annually.

Tree, Evergreen: A tree that does not shed its leaves annually.

Tree, Ornamental: A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under 40 feet.

Tree, Prohibited: A tree, as listed in this Ordinance that does not meet site landscaping requirements.

Truck Freight Terminal: An area and/or building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.

Truck Stop / Travel Center: A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

Truck Sales and Service: Any establishment that sales and services semi-tractor trailers, grain trucks, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they are to be serviced.

U

Undeveloped Land: Land in its natural state.

University (or college): An institution for post-secondary education, public or private, offering courses in general, technical, or religious education. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.

14.2 Definitions (cont.)

Unnecessary Hardship: A hardship which is subject to relief by means of variance, such as those that result from exceptional topographic conditions, exceptional physical conditions of a parcel of land, or other characteristics of the property that are unique from those of adjoining property in the same zoning district. Hardships which are self-imposed, resulting from errors in judgement on the part of the property owner, or based on a perceived reduction in economic gain shall not be considered unnecessary hardships.

Use: The purpose of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use Category: A group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this Ordinance, such as retail uses, office uses, personal service uses, and general industrial production.

Use, Change of: The discontinuation of the use of a lot or structure and the replacement of that previous use with a new use from a different use category, as listed on the Zoning Districts Use Matrix of this Ordinance.

Use, Conditional: A use that is designated by this Ordinance as being permitted in a specific zoning district if it is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

Use, Existing: The use of a lot or structure present at the effective date of this Ordinance.

Use, Illegal: Any use that is neither legal nonconforming nor permitted by right or conditional use in the zoning district in which it is located as defined by this Ordinance.

Use, Nonconforming: A use which does not conform with the use regulations of the zoning district in which it is located.

Use, Permitted: Any use listed as a permitted use in this Ordinance or which is an accessory or temporary use associated with a permitted use for the zoning district in which it is located.

Use, Primary: The main use of land or structures, as distinguished from an accessory use. A primary use may be either a permitted use or a conditional use.

Use, Temporary: A land use or structure established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Use Variance: The approval of a use by the Board of Zoning Appeals which is not listed as a permitted or conditional use by this Ordinance and is not an accessory or temporary use associated with any primary use permitted by this Ordinance.

Utility Substation: A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

V

Vacation: The termination or termination of interest in a plat, an easement, or a right-of-way or other public dedication.

Variance, Development Standards: A specific approval granted by a Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use: see *Use, Variance*

Variety Store: A retail establishment that sells a multitude of consumer goods.

14.2 Definitions (cont.)

Vehicle: A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, and motorcycles.

Vehicle Detailing Shop: An establishment that provides auto-detailing services and/or sells associated merchandise. Services offered are cosmetic in nature, and do not include mechanical upgrades or repairs.

Vehicle Display Lot: That portion of an auto-oriented use dedicated to the storage and display of new and/or used vehicles for sale or long-term lease.

Vehicle Display Pad: A ramp, platform or similar structure, or a build-up of earth or other materials raised above the surrounding grade, designed for the display of vehicles.

Vehicle, Inoperable: A vehicle which, due to mechanical defect or failure, or incorrect or unapparent licensing, is not physically or legally able to be operated.

Vertical Face: A mined or quarried area resulting in a wall that is between 80 and 100 degrees relative to the surrounding grade.

Veterinary Office (Animal Clinic): An establishment for the care, observation, or treatment of domestic animals.

Video Store: An establishment primarily engaged in the retail rental of DVD, videotapes, films, CD-ROMS, laser discs, video games, or other electronic media.

W

Warehouse & Distribution Facility: A facility for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Waste Disposal Facility: Any facility that functions to store or dispose of waste including incinerators, junk metal yard, sanitary landfills, refuse dumps, and inoperable vehicle storage.

Waste, Hazardous: see *Hazardous Waste*

Water Tower: A tower or standpipe that functions as a reservoir providing water to the community.

Wellfield: An area of land that contains 1 or more existing or proposed wells for supplying water to a water utility.

Wetland: Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions as identified by the National Wetlands Institute and/or certified by an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification.

Wholesale Facility: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

Winery: A facility in which wine products are grown and processed for commercial sales. The development may include other uses such as a retail shop, standard restaurant, bar or live entertainment.

Worship Facility: The use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as a day-care center or school. Worship facility includes synagogue, temple, mosque or any other like facility used for worship and religious activities.

14.2 Definitions (cont.)

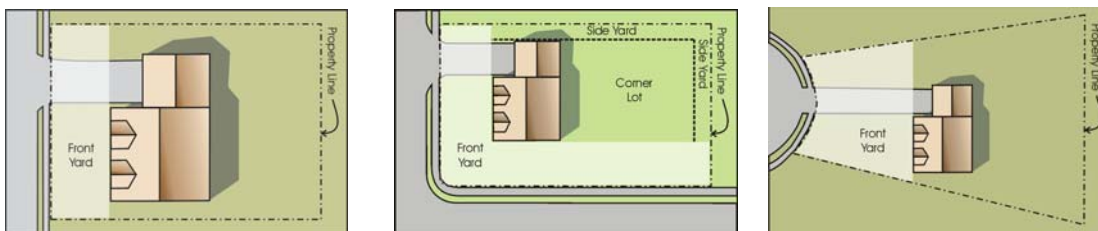
14

Definitions

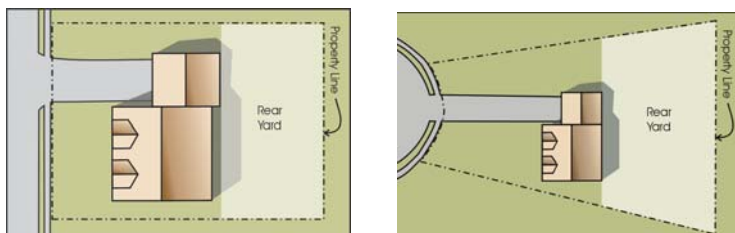
X, Y, & Z

Yard: A space on a lot that is open and unobstructed

Yard, Front: The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

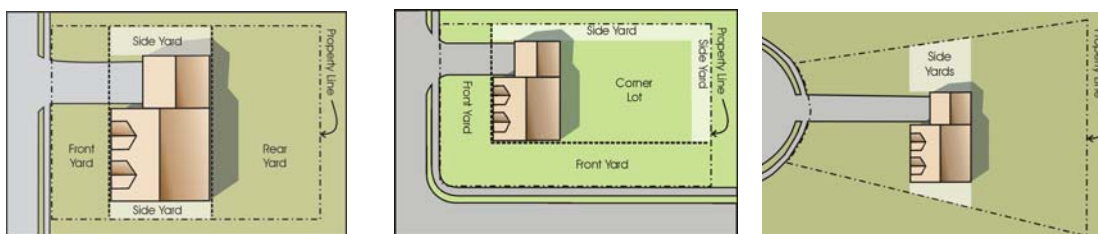


Yard, Rear: The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots shall have no rear yards, only front yards and side yards.



Yard Sale: see *Garage Sale*

Yard, Side: The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, measured as the shortest distance between that foundation and the side lot line.



Zoning District: A section of the Plan Commission jurisdiction for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces around buildings, are established by this Ordinance.

Zoning Map: see *Official Zoning Map*